

Public Notice and Public Hearing
Ohio Environmental Protection Agency
Serious Ozone Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) and Ohio Administrative Code (OAC) Chapters 3745-110, 3745-21, and 3745-31
Cleveland Nonattainment Area Reclassification to Serious Ozone Nonattainment

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is planning to amend rules in Ohio Administrative Code (OAC) Chapter 3745-110, “Nitrogen Oxides – Reasonably Available Control Technology”, OAC Chapter 3745-21, “Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements”, and OAC Chapter 3745-31, “Permit-to-Install New Sources and Permit-to-Install and Operate Program” for the Cleveland 2015 ozone nonattainment area.

Ohio EPA has drafted revisions to OAC Chapters 3745-110, 3745-21, and 3745-31 to revise mandatory Reasonably Available Control Technology (RACT) and permitting requirements for the Cleveland 2015 ozone nonattainment area. As a part of the RACT requirements, Ohio EPA has also prepared a RACT state implementation plan (SIP) assessing RACT requirements necessary under the serious reclassification.

The Cleveland nonattainment area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties) was initially classified as moderate nonattainment and then subsequently bumped-up to moderate nonattainment for the 2015 ozone standard. The area was required to meet the ozone moderate classification standard by August 3, 2024, based on ozone monitoring data collected during the 2021-2023 ozone monitoring seasons, which extends from March 1 to October 31 each year. Based on certified ozone monitoring data, this area failed to meet the ozone standard by August 3, 2024, and has been reclassified to serious nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to serious nonattainment triggers additional CAA requirements for major stationary sources located in the serious nonattainment area. Ohio EPA has also included other clarifications and corrections to the RACT and permitting rules in OAC Chapters 3745-110, 3745-21 and 3745-31, including removing or updating outdated provisions.

In addition, Ohio EPA is rescinding the existing source-specific VOC RACT for Formica Corporation in OAC 3745-21-09(PP). These sources are now subject to OAC 3745-21-09(F), which is based on U.S. EPA’s 2007 “Control Techniques Guidelines for Paper, Film, and Foil Coatings.” This is supported by a Clean Air Act (CAA) Section 110(l) anti-backsliding demonstration.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On February 2, 2024, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments. The CAA 110(l) demonstration and RACT SIP are also available electronically at the web address below.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The above-mentioned rules and documents are a part of Ohio’s SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP.

The public comment period will run until February 13, 2025. A public hearing on this proposed rulemaking

will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will hold an in-person and virtual public hearing on the rules on February 13, 2025, at 10:30am. The in-person hearing will be held at the same time and date and will be located at Ohio EPA, 50 W. Town St, Suite 700, Columbus, OH 43215. During the hearing, the public may submit written comments on the record about the proposed rules. If participating virtually, comments may be submitted electronically and may be submitted verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at:

<https://attendee.gotowebinar.com/register/9134187794103897178>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be sent to the attention submitted to the Smart Comment system at <https://ohioepa.commentinput.com?id=BPWgirtZM> or to Graham Johnson at the Division of Air Pollution Control, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on February 13, 2025, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

These rules and associated documents are available on DAPC's website for electronic viewing and downloading at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules/dapc-proposed-rules>. The RACT SIP and associated documents are available on DAPC's website for electronic viewing and downloading at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/state-implementation-plans>.

Questions regarding accessing the web site should be directed to Chris Brown at Ohio EPA at (614) 705-1148; other questions about these rules or SIP revisions should be directed to Reyna Knight at Ohio EPA, (614) 644-1961, reyna.knight@epa.ohio.gov.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>.